

1 Zachary M. Crosner (SBN 272295)
2 Chad A. Saunders (SBN 257810)
3 Craig Straub (SBN 249032)
4 **CROSNER LEGAL, P.C.**
5 9440 Santa Monica Blvd. Suite 301
6 Beverly Hills, CA 90210
7 Tel: (866) 276-7637
8 Fax: (310) 510-6429
9 zach@crosnerlegal.com
10 chad@crosnerlegal.com
11 craig@crosnerlegal.com

7 Todd M. Friedman (SBN 216752)
8 Adrian R. Bacon (SBN 280332)
9 Thomas E. Wheeler (SBN 308789)
0 Meghan E. George (SBN 274525)
1 **LAW OFFICES OF TODD M. FRIEDMAN, P.C.**
2 21031 Ventura Blvd, Suite 340
3 Woodland Hills, CA 91364
4 Tel: (323) 306-4234
5 Fax: (866) 633-0228
6 tfriedman@toddflaw.com
7 abacon@toddflaw.com
8 twheeler@toddflaw.com
9 mgeorge@toddflaw.com

Attorneys for Plaintiff, and all others similarly situated

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION**

BRIAN HEINZ individually and on behalf of all others similarly situated,

Case No. 2:23-cv-00282-WBS-AC

Plaintiff.

CLASS ACTION

AMAZON.COM, INC. and DOES 1 to 10,
inclusive, and each of them.

**DECLARATION OF CRAIG W.
STRAUB IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANT AMAZON.COM, INC'S
MOTION TO TRANSFER**

Defendants.

Date: July 10, 2023
Time: 1:30 p.m.
Dept.: Courtroom 5

Assigned to the Hon. William B. Shubb

Action Filed: January 11, 2023
Action Removed: February 15, 2023

JURY TRIAL DEMANDED

DECLARATION OF CRAIG W. STRAUB IN SUPPORT OF PLAINTIFF'S OPPOSITION TO TRANSFER
Case No. 2:23-cv-00282-WBS-AC

1 I, Craig W. Straub, declare as follows:

2 1. I am an attorney duly licensed to practice before the courts of the State of California.
3 I am an attorney at the law firm Crosner Legal, P.C., one of the counsel of record for Plaintiff in
4 the above-entitled action.

5 2. I submit this declaration in support of Plaintiff's opposition to Amazon.com Inc.'s
6 ("Amazon") motion to transfer venue or, alternatively, dismiss.

7 3. Amazon shows the Court cropped and altered outlined images of the "sign-in" and
8 "Place your order" pages and does not display the page where a user first creates an account. *See*
9 Mtn. 3-5. True and correct screen shots of the "create account"¹ and "sign-in"² pages found on
10 Amazon's website are depicted in full below without the added outlines or cropping:

11

12

13

14

15

16

17

18

19

20

1

21 https://www.amazon.com/ap/register?openid.pape.max_auth_age=0&openid.identity=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&pageId=usflex&ignoreAuthState=1&openid.assoc_handle=usflex&openid.mode=checkid_setup&openid.ns.pape=http%3A%2F%2Fspecs.openid.net%2Fextensions%2Fpape%2F1.0&prepopulatedLoginId=&failedSignInCount=0&openid.claimed_id=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&disableLoginPrepopulate=1&switch_account=signin&openid.ns=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0 (last visited on June 2, 2023).

25 ²https://amc.amazon.com/ap/signin?clientContext=131-0038152-8420244&openid.return_to=https%3A%2F%2Famc.amazon.com%2F&openid.identity=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&openid.assoc_handle=amzn_amcentral_us&openid.mode=checkid_setup&openid.claimed_id=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0%2Fidentifier_select&openid.ns=http%3A%2F%2Fspecs.openid.net%2Fauth%2F2.0&mons_redirect=sign_in (last visited on June 2, 2023).

28

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

The image contains two side-by-side screenshots of the Amazon website. The left screenshot shows the 'Create account' page, which includes fields for 'Your name', 'Mobile number or email', 'Password', and 'Re-enter password', along with a 'Continue' button. The right screenshot shows the 'Sign in' page, which includes fields for 'Mobile phone number or email' and 'Password', along with a 'Sign in' button. Both pages feature the Amazon logo at the top and provide links for 'Conditions of Use' and 'Privacy Notice'.

4. When a user is signed into their account, an item is added to their cart, and the user clicks "Proceed to checkout," they are brought to the "Place your order." A true and correct screen shot of the "Place your order"³ webpage with black redactions of my personal address and last four numbers of my credit card is depicted below:

³ <https://www.amazon.com/gp/buy/spc/handlers/display.html?hasWorkingJavascript=1> (last visited on June 2, 2023).

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

amazon

Checkout (1 item)

1 Shipping address [REDACTED] Change
Add delivery instructions
Or pick up near this address - See nearby pickup locations

2 Payment method VISA Visa ending in [REDACTED] Change
Billing address: Same as shipping address.
Add a gift card or promotion code or voucher
Enter code Apply

3 Review items and shipping
Select FREE Amazon Day Delivery to receive orders in fewer boxes on a single day.

Delivery: June 3, 2023 if you order in the next 2 hours and 22 minutes (Details)
Items shipped from Amazon.com

Amazon Essentials Women's Casual Low-Cut Socks, 6 Pairs, Black, 6-9
\$12.60 prime & FREE Returns -
Qty: 1
Sold by: Amazon.com Services LLC
Subscribe & Save:
 Save up to 5% on future auto-deliveries
Delivery every: 3 months (most common)
 Add gift options

Choose your Prime delivery option:
 Tomorrow, June 3
FREE One-Day Delivery
 Monday, June 5
FREE Amazon Day Delivery
Fewer boxes, fewer trips.
Change delivery day

Or choose your pickup location:
Pickup available nearby
Choose a location

Item arrives in packaging that shows what's inside. To hide it, choose Ship in Amazon packaging.
Ship in Amazon packaging

Order total: \$13.58

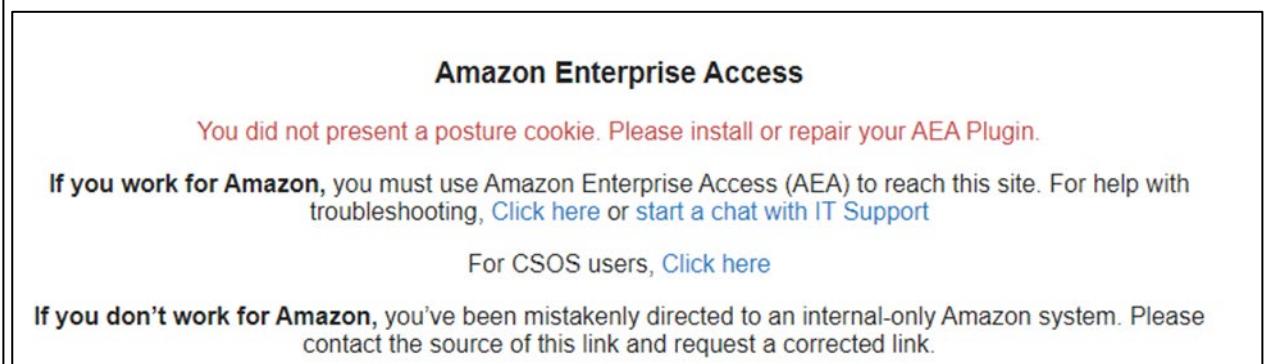
Place your order By placing your order, you agree to Amazon's privacy notice and conditions of use.

Need help? Check our Help pages or contact us.
For an item sold by Amazon.com: When you click the "Place your order" button, we'll send you an email message acknowledging receipt of your order. Your contract to purchase an item will not be complete until we send you an email notifying you that the item has been shipped.
Important information about sales tax you may owe in your state.
You may return new, unopened merchandise in original condition within 30 days of delivery. Exceptions and restrictions apply. See Amazon.com's Returns Policy.
Need to add more items to your order? Continue shopping on the Amazon.com homepage.

5. As shown above, the "Place your order" page contains numerous different font sizes, colors (e.g., orange, yellow, green, bolded black, light black, red, turquoise, and blue), bolding and contains numerous images, buttons, and extraneous information such as customers' personal address, credit card information, shipping options, and purchase summary. The page contains 21 different hyperlinks. Id., ¶ ___. None of the hyperlinks are underlined, in all caps, or are bolded or in larger font. The "Create account page" contains seven hyperlinks, and the "Sign in" page contains six hyperlinks.

6. I performed a "Find" search for the terms "recording" and "records" in the Privacy Notices which were submitted by Amazon (ECF Nos. 24-1). The only relevant sentences related

1 to Amazon's recording of conversations were: "voice recordings when you speak to Alexa" (ECF
 2 No. 24-1 at pages 33 and 43 of 49), and "voice recordings associated with your account" (ECF
 3 No. 24-1 at pages 35 and 45 of 49). The Privacy Notice also contains 74 hyperlinks. *See id.* at
 4 Exhibit C. Several of the hyperlinks do not function. For example, Exhibit C attached to the
 5 declaration of Matondo has a hyperlink (ECF No. 24-1 at page 27 of 49) that takes the user to a
 6 page that depicts the following error message:



13 I was brought to the above image when I clicked on the links in the sentence "Click [here](#) to see
 14 examples of what we collect" (ECF No. 24-1 at pages 27, 28, 37, 38 of 49). I was also brought to
 15 the above image when I clicked on the sentence "What Personal Information About Customers
 16 Does Amazon Collect?" (ECF No. 24-1 at pages 27 and 37 of 49). The Privacy Notice contains 9
 17 pages, 3,479 words, 161 paragraphs, and 393 lines. Using directions from Adobe, Exhibit C to the
 18 declaration of Matondo (ECF No. 24-1) was converted to word, and a "Word Count" function was
 19 performed:

Word Count	
Statistics:	
Pages	9
Words	3,479
Characters (no spaces)	19,711
Characters (with spaces)	23,141
Paragraphs	161
Lines	393

20

21 I agree under the penalty of perjury that the above statements are true and correct under the
 22 laws of the United States.

23 Dated: June 9, 2023

CROSNER LEGAL, P.C.

24

25 By: /s/ Craig W. Straub
 26 CRAIG W. STRAUB

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on June 9, 2023, I electronically filed the foregoing with the Clerk of
3 the Court using the CM/ECF system which will send notification of such filing to the e-mail
4 addresses denoted on the Electronic Mail Notice List, and I hereby certify that I have mailed the
5 foregoing document or paper via the United States Postal Service to the non-CM/ECF participants
6 indicated on the Electronic Mail Notice List.

7 I certify under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct. Executed on June 9, 2023.

9 *s/ Craig W. Straub*

10 CRAIG W. STRAUB

11 CROSNER LEGAL, P.C.
12 9440 Santa Monica Blvd. Suite 301
13 Beverly Hills, CA 90210
14 Tel: (866) 276-7637
Fax: (310) 510-6429
craig@crosnerlegal.com

15
16
17
18
19
20
21
22
23
24
25
26
27
28